IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTY FOURTH DAY OF JANUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.1184 OF 2006

Between:

Madasu Venkatesham … Petitioner

Versus

The District Collector & District Election Authority,

Minor Irrigation Systems,

Karimnagar district & Ors. … Respondents

Counsel for the Petitioner: Mr. Y. Rama Rao (1170)

Counsel for the Respondents: GP for Revenue

O R D E R :

This writ petition is filed to declare the notification dated 31-12-2005 issued by the first respondent for conducting elections to the post of President of Peddacheruvu Garrepally Water Users Association held on 07-1-2006 as arbitrary, illegal, void

abinitio, without jurisdiction and contrary to sub-section 3 and 8 of Section 4 of Act 11 of 1997 and consequently declare the election of the fourth respondent as President, Water Users Association, Peddacheruvu, Garrepally as illegal and also declare the action of the respondents in removing the petitioner and conduct elections afresh for the post of President, even before expiry of elected term as illegal and without jurisdiction and contrary to Article 14 of the Constitution of India.

In this writ petition, the petitioner questions the conduct of elections to the post of President, Peddacheruvu Garrepally Water Users Association, which was held on 07-1-2006 as arbitrary.

After hearing the learned counsel for the petitioner, without expressing any opinion on the merits of the matter, I am of the opinion that when there is an efficacious alternate remedy under the Act by way of filing an Election Petition, the petitioner cannot question the conduct of election to the post of President of Peddacheruvu Garrepally Water Users Association by way of filing the present writ petition. The writ petition fails and is liable to be dismissed inlimini.

At this stage, the learned counsel for the petitioner seeks leave to avail such remedies as may be available to the petitioner in law. It is needless to observe that if the petitioner has not availed any such remedy, the same shall be considered on its own merits uninfluenced by the dismissal of this writ petition.

With the above observation, the writ petition is dismissed at the admission stage. No costs.

JANUARY 25th, 2005. ----------

I s L. V. ESWARAIAH, J.